

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE
Serial Number: 10/758,967
Filing Date: January 16, 2004
Title: IMPACT RESISTANT WINDOW ASSEMBLY

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IN THE CLAIMS

Please amend the claims as follows:

1. (Previously Presented) An impact resistant window assembly comprising:
a double hung window including a window sash movably disposed within a window jamb assembly, the window sash having an exterior portion and an interior portion,
the window jamb assembly including a window jamb surface positioned adjacent the window sash, the window jamb surface having a recess therein; and
a bracket assembly disposed within the recess and including a bracket portion having at least a first position and a second position, the bracket portion disposed within the recess when the bracket portion is disposed in the first position, the bracket portion disposed over a portion of the interior portion of the sash when the bracket portion is disposed in the second position.
2. (Original) The impact resistant window assembly as recited in claim 1, wherein the bracket portion is slidable from the first position to the second position.
3. (Previously Presented) The impact resistant window assembly as recited in claim 1, wherein the bracket assembly is substantially concealed in the window jamb assembly from a frontal view of the window when the bracket portion is disposed in the first position.
4. (Original) The impact resistant window assembly as recited in claim 1, wherein the bracket portion includes a stop, where the stop prevents overextension of the bracket portion.
5. (Original) The impact resistant window assembly as recited in claim 1, wherein the window sash includes a rail and a stile, and the bracket portion is disposed over a portion of the rail and the stile when the bracket portion is disposed in the second position.
6. (Original) The impact resistant window assembly as recited in claim 1, wherein the bracket assembly further includes a filler disposed within the window jamb assembly.

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7. (Currently Amended) The impact resistant window assembly as recited in claim 1, further comprising one or more fasteners securing the bracket assembly to an outer frame surrounding the window jamb assembly, where the one or more fasteners are concealed from view.
8. (Previously Presented) An impact resistant window assembly comprising:
a window including a window sash movably disposed within a window jamb assembly, the window further including a window jamb liner having a surface with a recess therein, the window sash having an exterior portion and an interior portion, the window sash slidable within a first plane of movement; and
a bracket assembly disposed within the recess in the surface of the window jamb liner, the surface of the window jamb liner positioned adjacent the window sash,
the bracket assembly including a filler and a movable bracket portion, the movable bracket portion having at least a first position and a second position, the bracket assembly providing reinforcement to the interior portion of the sash when the bracket portion is disposed in the second position, and the bracket assembly is at least partially concealed when the bracket portion is disposed in the first position.
9. (Currently Amended) The impact resistant window assembly as recited in claim 8, wherein the bracket assembly further includes a base plate coupled with an outer frame of the window, the outer frame surrounding the window jamb assembly.
10. (Previously Presented) The impact resistant window assembly as recited in claim 8, wherein the movable bracket portion is disposed between the filler and a portion of a base plate.
11. (Previously Presented) The impact resistant window assembly as recited in claim 8, wherein the filler includes interlock features, the interlock features coupling a base plate and the movable bracket portion.

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12. (Original) The impact resistant window assembly as recited in claim 8, wherein the window sash includes a rail and a stile, and the bracket portion is disposed over a portion of the rail and the stile when the bracket portion is disposed in the second position.
13. (Original) The impact resistant window assembly as recited in claim 8, wherein the filler has an outer appearance similar to the jamb liner.
- 14-22. (Cancelled)
23. (Previously Presented) An impact resistant window assembly comprising:
a window including a window sash movably disposed within a window jamb assembly, the window further including a window jamb liner, the window sash having an exterior portion and an interior portion, the window sash slidable within a first plane of movement; and
a bracket assembly disposed within a recess in a surface of the window jamb liner, the bracket assembly including a filler and a movable bracket portion, the movable bracket portion having at least a first position and a second position, the bracket assembly providing reinforcement to the interior portion of the sash when the bracket portion is disposed over a portion of the window sash in the second position, and the bracket assembly is at least partially concealed where the bracket portion is recessed within the window jamb assembly in the first position.
24. (Previously Presented) The impact resistant window assembly as recited in claim 23, wherein the bracket portion is slidable from the first position to the second position.
25. (Previously Presented) The impact resistant window assembly as recited in claim 23, wherein the bracket assembly is substantially concealed in the window jamb assembly from a frontal view of the window when the bracket portion is disposed in the first position.

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26. (Previously Presented) The impact resistant window assembly as recited in claim 23, wherein the bracket portion includes a stop, where the stop prevents overextension of the bracket portion.
27. (Currently Amended) The impact resistant window assembly as recited in claim 23, further comprising one or more fasteners securing the bracket assembly to an outer frame surrounding the window jamb assembly, where the one or more fasteners are concealed from view.
28. (Currently Amended) The impact resistant window assembly as recited in claim 23, wherein the bracket portion is disposed over [[a]] an interior surface portion of a vertical stile when the bracket portion is disposed in the second position.
29. (Previously Presented) The impact resistant window assembly as recited in claim 23, wherein the filler has an appearance similar to one or both of the window jamb assembly or the window jamb liner.
30. (Previously Presented) The impact resistant window assembly as recited in claim 23, wherein the filler is disposed between the bracket portion and the sash.
31. (Previously Presented) The impact resistant window assembly as recited in claim 1, wherein the bracket assembly includes a hinge about which the bracket portion moves.
32. (Previously Presented) The impact resistant window assembly as recited in claim 2, wherein the bracket portion includes a tool access port on a leading edge thereof.
33. (Previously Presented) The impact resistant window assembly as recited in claim 25, wherein only an edge of the bracket portion is viewable when the bracket portion is disposed in the first position.

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34. (New) The impact resistant window assembly as recited in claim 1, further comprising a locking feature coupled to a checkrail of the window sash.